
 MEKIKI CO., LTD.,

Plaintiff(s),

-vs-

FACEBOOK INC., et al.,

Defendant(s).

 :
 : UNITED STATES DISTRICT COURT
 : DISTRICT OF DELAWARE

: Civil Action No. 1:09-745(JAP)

: ARB: Yes ___ No X: ORDER SCHEDULING CONFERENCEIT IS on this 5TH Day of April, 2010;

ORDERED, pursuant to Fed. R. Civ. P. 16, that a scheduling conference be held before the Honorable Joel A. Pisano, on May 17, 2010 at 11:00 a.m. in Courtroom #1, 3rd floor at the United States Courthouse, Trenton, New Jersey, and it is further

ORDERED that (1) prior to the above conference, all counsel and individuals who are appearing on their own behalf (or “*pro se*”) confer on a joint discovery plan (see L.Civ.R. 26.1(b)); (2) the joint discovery plan, as well as any disputes regarding it, be submitted to the undersigned no later than three weeks prior to the above conference (see L.Civ.R. 26.1(b)); the joint discovery plan should NOT be electronically filed, but may be submitted to Chambers via regular mail, facsimile [(609) 989-0505], or e-mail [dana_sledge@njd.uscourts.gov]; (3) at the above conference, all parties not appearing *pro se* shall be represented by counsel with full authority to speak for their clients in all pretrial matters (see L.Civ.R. 16.1(a)); (4) Plaintiff(s) notify any party who hereafter enters an appearance for the above conference and forward to that party a copy hereof; and (5) the parties are to advise the Honorable Joel A. Pisano immediately if this action has been

settled or terminated, so that the above conference may be cancelled.

Furthermore, counsel and litigants are advised that, pursuant to Fed.R.Civ.P. 26, 30, and 33, early disclosure requirements and limitations on depositions and interrogatories will be enforced; therefore, counsel shall exchange the following information without formal discovery requests:

- (i) identities of individuals with knowledge of facts that support your claims on defenses;
- (ii) A copy of, or description by category and location of, documents and things in the possession of counsel or the parties regarding the disputed issues;
- (iii) insurance agreements in force; and
- (iv) statement of the basis for any damages claimed;

and it is further

ORDERED that the meeting of parties required by Fed.R.Civ.P. 26(f) shall take place four (4) weeks prior to the date of the initial conference; and it is further

ORDERED that upon the entry of appearance of any new and/or additional counsel subsequent to the date of this Order, Plaintiff's counsel shall send a copy of this Scheduling Order to the newly appearing attorney(s), but on any third party claim, the counsel for the third party plaintiff shall send a copy of this Order to the newly entering counsel for third party defendant(s); and it is further

ORDERED that all parties shall confer and submit a Joint Discovery Plan to the Magistrate Judge not less than three (3) weeks prior to the above-stated conference date, as required by L.Civ.R. 26.1(b) of this Court. The conference date should appear on the

caption of the Joint Discovery Plan, which shall include, at a minimum, the following items:

- (1) a brief statement of the facts underpinning the claims or defenses in the action, as well as a brief statement of the legal issues in the case;
- (2) a description of all discovery conducted by the parties to date;
- (3) a description of all discovery problems encountered to date, the efforts undertaken by the parties to remedy these problems, and the parties' suggested resolution of the problems;
- (4) a description of the parties' further discovery needs;
- (5) the parties' estimate of the time needed to complete discovery;
- (6) a statement regarding whether expert testimony will be necessary, and the parties' anticipated schedule for retention of experts and submission of their reports;
- (7) a statement regarding whether there should be any limitation placed upon use of any discovery device and, if so, the reasons the limitation is sought;
- (8) a description of any special discovery needs of the parties (e.g., videotape, telephone depositions, or problems with out-of-state witnesses or documents, or discovery of digital information) (see L.Civ.R. 26(d)).

Sanctions may be imposed pursuant to Fed.R.Civ.P. 16(f) if Counsel or a *pro se* litigant either fails to appear at the conference or appears unprepared. Each attendant at the conference shall be fully familiar with the file, and have full authority to bind his or her clients in all pretrial matters.

s/ Joel A. Pisano
 HONORABLE JOEL A. PISANO
 UNITED STATES DISTRICT JUDGE
